

REMARKS

Entry of the foregoing amendments and reconsideration of this application are respectfully requested in view of the following remarks. Claims 1-20 are currently pending, of which claims 1, 10-12, and 19-20 are independent claims. The Applicants respectfully submit that the above Amendments introduce no new matter. Based on the above Amendments and the following Remarks, the Applicants respectfully request that the Examiner reconsider and withdraw all outstanding objections and rejections.

The Claims As Amended Overcome Objections

Claims 11-12 and 19-20 were objected to for various informalities.

Claims 11 and 19 were objected to for reciting "...a relatively fine frequency estimate..." and for using allegedly indefinite claim language by reciting the term "relatively" throughout the claims. The Applicants have amended claims 11 and 19 to recite "...a fine frequency estimate..." and have removed all recitations of the term "relatively" from the claim language.

Claims 11-12 and 19-20 were objected to for reciting "...potential aliasing..." The Applicants have amended claims 11-12 and 19-20 to recite "aliasing."

Applicants believe these amendments render the objections to claims 11-12 and 19-20 moot and respectfully request that the objections be withdrawn.

Rejections Under 35 U.S.C. § 112

Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention.

Claim 1, which previously recited “A method of placing pilot symbols in a data stream...,” stands rejected for failure to disclose any method steps and for being written entirely with functional language. Following the Examiner’s recommendation, the Applicants have amended Claim 1 to recite “A method of placing pilot symbols in a data stream for telecommunications systems, comprising distributing the pilot symbols in time using a range of different intervals between symbols.”

Claims 2-9 stand rejected for failure to disclose any method steps and for being written entirely with functional language. The Applicants have amended Claims 2-9 to depend on the method of amended Claim 1, which recites “...distributing the pilot symbols in time using a range of different intervals between symbols.” Thus, the Applicants have amended Claims 2-9 to incorporate the Examiner’s recommended language.

Claim 7 stands rejected for reciting “...according to the following formula: as defined herein” without defining a formula in the claim. The Applicants believe that Claim 7 of the instant application, Application No. 10/522,566, did not include the language quoted by the Examiner. Rather, Claim 7 previously recited “The method of claim 6, wherein each L0 group has length A, each L1 group each has length B, and the L2 group has length C, the pilot symbol distribution selected such that the ratio A:B is approximately equal to the ratio B:C.” The Applicants have amended Claim 7 to recite “The method of claim 6, wherein each L0 group has

length A, each L1 group has length B, and the L2 group has length C, the pilot symbol distribution selected such that the ratio A:B is approximately equal to the ratio B:C.”

Claim 10 stands rejected as subject to undue breadth as a single means claim. The Applicants have amended Claim 10 to recite the elements of a data source and a pilot symbol placer.

Accordingly, the Applicants respectfully submit that the rejections under 35 U.S.C. § 112 have been rendered moot. Therefore, the Applicants respectfully request that the rejection of claims 1-10 under 35 U.S.C. § 112 be withdrawn.

Allowed Claims

The Applicants appreciate the indication that claims 11-20 are allowed over the prior art of record.

Double Patenting Rejection

Claim 1 stands provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 2 of copending Application No. 11/913,871. Without acquiescing to the propriety of this rejection, the Applicants note that the outstanding double patenting rejection is provisional and is made over a later filed application. Since the Applicants believe the arguments in this response overcome all other rejections, it would be appropriate for the Examiner to withdraw the provisional rejection and allow this instant application. MPEP 804(I)(B)(1). The Applicants are prepared to address the provisional double patenting rejection if Application No. 11/913,871 issues as a patent prior to issuance of the

instant application, in which event the Examiner could properly remove the provisional aspect of the double patenting rejection.

CONCLUSION

All of the stated grounds of rejection and objection have been properly traversed or rendered moot. The Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding objections and rejections. The Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided. Prompt and favorable consideration of this application is respectfully requested.

Prompt and favorable consideration of this Amendment is respectfully requested.

Dated: June 12, 2008

COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
777 6th Street, NW
Suite 1100
Washington, DC 20001
Tel: (703) 456-8000
Fax: (202) 842-7899

Respectfully submitted,
COOLEY GODWARD KRONISH LLP

By: 

C. Scott Talbot
Reg. No. 34,262